

Customer No.:



Docket No.: 3166/1G947-US1

**DECLARATION
AND POWER OF ATTORNEY**
Original Application

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below, of the invention entitled:

**METHOD AND SYSTEM FOR GATHERING, ORGANIZING AND
DISPLAYING INFORMATION FROM DATA SEARCHES**

which is described and claimed in:

☐ the attached specification or

☒ the specification in appl. Serial No.
09/823,284, filed March 30, 2001
(for declaration not accompanying appl.)

A.M.
SEP-14
~~that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 CFR §1.56. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby claim the priority benefits under 35 U.S.C. §119 of any application(s) for patent or inventor's certificate listed below. All foreign applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed are also identified below.~~

Mason
Smith *Winn*



PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
U.S.A.	60/193,811	31 March 2000

ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Adda C. Gogoris #29,714, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Chanah Brenson # P-47,442

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO: DIRECT TELEPHONE CALLS TO:

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

Chanah Brenson
212-527-7700

FULL NAME AND RESIDENCE OF INVENTOR 1

LAST NAME: MIKHEEV FIRST NAME: Andrei MIDDLE NAME:

CITY: Edinburgh FOREIGN COUNTRY: Scotland, U.K.

COUNTRY OF CITIZENSHIP: United Kingdom

POST OFFICE ADDRESS: 46 (2F2) Elm Row CITY: Edinburgh

COUNTRY: Scotland, U.K. POSTAL CODE: EH7 4AH

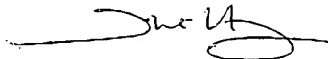
[Handwritten signature]
[Handwritten signature] witness

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1:


Andrei Mikheev

DATED: 30.08.01



STUART JAMES FALCONER HENDRY, witness

39 Castle Street
Edinburgh
EH2 3BH



46 Elm Row
Edinburgh
EH7 4AH

By Recorded Delivery
Taylor Joynson Garrett
Carmelite
50 Victoria Embankment
Blackfriars
London
EC4Y 0DX

By recorded delivery & fax (020 7300 7100)

30 August 2001

Your Ref: JMM/SXJ

Dear Sirs

US Patent Application Nos. 60/193, 811 and 09/823, 284
Xabalys Incorporated
"Method and System for Gathering, Organising and
Displaying Information from Data Searches"

I confirm receipt of your letter of 16 August 2001.

In response, I enclose a signed Assignment and Declaration & Power of Attorney.

On reviewing the draft Declaration & Power of Attorney, I found that I could not agree to the terms of the paragraph at page 1 reading "...I declare that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof".

This is because I have now found prior art which I believe is relevant to the US Patent Application 09/823,284. In particular, the following prior art:

- The product called "Semio Map" from Semio Corporation – sold in the US market since 1995;
- The product called "Information Map" from Cartia Corporation – sold in the US market since 1994;
- The product called "Hyperbolic Trees" from Inxight Inc. – sold in the US market since 1997; and
- Bespoke software development from Trac in 1998 which has similar or even superior functionality.

Therefore, I do not believe that the invention recited in the US Patent Application 09/823,284 (method and system for gathering, organising and displaying information from data searches) is new in view of this prior art. You will note in the signed Declaration that I have deleted and initialled the relevant portions of the above paragraph, as I cannot now agree that the invention which is the subject of the patent application is new.

In signing these documents, I trust that this satisfies all of your requirements and I hope that you will not begin Entitlement Proceedings under Section 12 of the UK Patents Act 1977 against me.

I should be grateful if you would forward any future correspondence to my solicitors, Messrs Murray Beith Murray WS, 39 Castle Street, Edinburgh, EH2 3BH, F.A.O. Mr Stuart Hendry - who I have also asked to witness my signatures.

Yours faithfully



Andrei Mikheev

Customer No.:



Docket No. 3166/1G947-SU1

ASSIGNMENT

I, Andrei MIKHEEV, a citizen of United Kingdom, residing at 46 Elm Row, Edinburgh, Scotland EH7 4AH, U.K. (hereinafter called "ASSIGNOR") in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration, receipt of which is hereby acknowledged, paid to me by

XANALYS INCORPORATED

a corporation organized under the laws of Delaware, located at 95 Sawyer Road, Three University Park, Waltham MA 02453 (hereinafter called the "ASSIGNEE"), do hereby sell and assign to said ASSIGNEE, its successors and assigns, all my right, title and interest, throughout the world, including priority rights, in and to my invention described in U.S. Patent Appl. 09/823,284 filed March 30, 2001 and claiming priority from U.S. Provisional Patent Appl. 60/193,811 filed March 31, 2000 both entitled:

**METHOD AND SYSTEM FOR GATHERING, ORGANIZING AND DISPLAYING
INFORMATION FROM DATA SEARCHES**

invented by me, as a co-inventor if other inventors are identified above, and described in a patent application executed on even date herewith for United States Letters Patent therefor, and all divisions, reissues, continuations and extensions thereof, said interest being my entire ownership interest in said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its successors, assigns or other legal representatives, to the full end of the term for which said Letters patent may be granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made;

And I hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal or reissue applications, or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said ASSIGNEE;

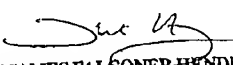
And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

I declare under penalty of perjury under the laws of the United States of America that I have signed this document as my own free act and that all of the foregoing is true and correct.



Andrei MIKHEEV

DATED: 30.08.01


STUART JAMES FALCONER-HENDRY, witness

39 Castle Street
Edinburgh
EH2 3BH

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No. 3166/1G947-SU1

ASSIGNMENT

I, **Andrei MIKHEEV**, a citizen of United Kingdom, residing at 46 Elm Row, Edinburgh, Scotland EH7 4AH, U.K. (hereinafter called "ASSIGNOR") in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration, receipt of which is hereby acknowledged, paid to me by

XANALYS INCORPORATED

a corporation organized under the laws of Delaware, located at 95 Sawyer Road, Three University Park, Waltham MA 02453 (hereinafter called the "ASSIGNEE"), do hereby sell and assign to said ASSIGNEE, its successors and assigns, all my right, title and interest, throughout the world, including priority rights, in and to my invention described in U.S. Patent Appl. 09/823,284 filed March 30, 2001 and claiming priority from U.S. Provisional Patent Appl. 60/193,811 filed March 31, 2000 both entitled:

**METHOD AND SYSTEM FOR GATHERING, ORGANIZING AND DISPLAYING
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invented by me, as a co-inventor if other inventors are identified above, and described in a patent application executed on even date herewith for United States Letters Patent therefor, and all divisions, reissues, continuations and extensions thereof, said interest being my entire ownership interest in said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its successors, assigns or other legal representatives, to the full end of the term for which said Letters patent may be granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made;

And I hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal or reissue applications, or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said ASSIGNEE;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

I declare under penalty of perjury under the laws of the United States of America that I have signed this document as my own free act and that all of the foregoing is true and correct.



Andrei MIKHEEV

DATED: 30.08.01


STUART JAMES FALCONER HENDRY, witness

39 Castle Street
Edinburgh
EH2 3BH